

Kevin Calvey

From: Kevin Calvey
Sent: Monday, March 12, 2018 5:56 PM
To: Buffy Heater
Cc: Brian Downs
Subject: Re: HB3676

Ms. Heater and Mr. Downs: While I don't agree with your assertion that Title IX family planning funds couldn't be spent on the Choosing Childbirth Act, I am filing an amendment to specify that it is the family planning funds in Title XX TANF that are to be used for the Choosing Childbirth Act, and that it would be DHS, not the Health Dept, that would transfer the funds. It is the Title XX funds that are used in such programs in Texas and other states, upon which our Choosing Childbirth Act is modeled. This amendment will make it clear that we are tracking with what other states do.

-Rep. Kevin Calvey

From: Buffy Heater <Buffy@health.ok.gov>
Sent: Friday, March 9, 2018 10:28:22 AM
To: Kevin Calvey
Cc: Brian Downs
Subject: HB3676

Good Morning Rep. Calvey,

My name is Buffy Heater and I am serving as the Okla State Department of Health legislative liaison, alongside Brian Downs.

We have had a few questions from House staff regarding HB3676, one regarding the use of federal family planning funds for the Choosing Childbirth Act.

Staff have asked the question, "what are permissible uses of the federal funds?"

OSDH is allowed to utilize federal family planning grant funds according to an approved application by Health Resources and Services Administration (HRSA) Office of Population Affairs (OPA) and within the Title X family planning rules and regulations set forth in federal law.

From the Program Requirements for Title X Funded Family Planning Projects

https://www.hhs.gov/opa/sites/default/files/ogc_-_cleared-final-april.pdf

"To assist individuals in determining the number and spacing of their children through the provision of affordable, voluntary family planning services, Congress enacted the Family Planning Services and Population Research Act of 1970 (Public Law 91-572)." The law amended the Public Health Service (PHS) Act to add Title X, "Population Research and Voluntary Family Planning Programs." Section 1001 of the PHS Act (as amended) authorizes grants "to assist in the establishment and operation of voluntary family planning projects which shall offer a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents)."

There does not appear to be language specifying Title X funds can be used after pregnancy is achieved. The purpose of Title X funds is to assist families in determining the number and spacing of their children, providing information and counseling about options for family planning, and assistance with achieving pregnancy. Title X funding stops at achieving pregnancy – funds may not be used to care for women after they become pregnant.

Federal Statutory References:

CFR Title 42/Chapter 1/Subchapter D/Part 59

Please let me know if it is helpful to you to discuss this and additional questions you may have.

Thank you,

Buffy

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